THE VICE-CHAIRMAN (SHRI H HANUMANTHAPPA): We are encroaching on the time of the Private Members.

SHRI KAPIL VERMA; Will the Government take up with the US Government about its la.est decision on AW ACS because they are giving it to Pakistan free and on lease and it is going to be used against India. Will you take it up with the United States Government?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The House will now take up Private Members' Legislative Business.

THE CONSTITUTION (AMENDMENT) BILL, 1987

[insertion of new Article 19A]

SHRI CHITTA BASU (West Bengal: Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI CHITTA BASU: Sir, I introduce 'the Bill.

THE CONSTITUTION (AMENDMEND BILL, 1987

[to amend Article 22]

SHRI CHITTA BASU (West Bengal): sir, I beg to move f°r leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI CHITTA BASU: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT} BILL, 1987

[to amend Articles 200 *and* 201]

SHRI CHITTA BASU (West Bengal): sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI CHITTA BASU: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1987

[to amend Article 134]

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh); Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI ATAL BIHARI VAJPAYEE: Sir, I introduce the Bill.

THE PROHDJITION OF RELIGIOUS COMMUNAL AND SECTORAL POLI- - T1CAL PARTIES AND SENAS . BILL 1987

SHRI GURUDAS DAS GUPTA ,vWegt Bengal); Sir, I beg to move for 'eave to introduce a Bill to provide for prohibition of the formation of religious, communal and sectoral political parties and senas.

The question was put and the motion ***was*** *adopted.*

SHRI GURUDAS DAS GUPTA; Sir. I introduce the Bill.

THE CONSTTTUnON (AMENDMENT) BILL, 1987

(to amend Article 311)—contd.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Further consideration of the Bill introduced by Dr. Bapu Kaldate. Shri Ramamurthy. Not present. Shri Chimanbhai Mehta.

SHRI CHIMANBHAI MEHTA -(Gujarat): Mr. Vice-Chairman, Sir, I do not want to make any long speech on this issue because a very elaborate debate was undertaken in this House and several

speakers have put forth their views in the strongest and clearest manner. But 1 want to submit one point.

Although I am a trade unionist and am also associated with the Government employes' organisations, I want to raise one question which I am raising with them also in their meetings, why the Supreme Court gave such a drastic verdict, what the reason was for them to make or to allow such a stringent punishment of the Government employees. Sir, we must make some self-introspection also because the politicians of the day do not behave as they should behave, the bureaucracy does not behave as they should do, industrialists, traders, a large section of them or sections of them, do not follow the proper ethics. In the same way, if not all, a section of workers also, I am finding, not on their own but because someone instigates them and they fall prey to this kind of incitement, go astray on a wrong path.

There are several countries in the world in which there is a hire-and-fire system. Even the topmost officer can be fired. But in India we gave a tremendous protection to the IAS bureaucracy. Whether it was required, whether it is justified or not is a question of review, and there can be a debate over that. In the Indian conditions they have done somthing good also. I am not saying that things too bad. I am just asking whether some review is required.

In our country, casteism and communalism, these pernicious trends are strengthening everyday. That has affected the administration also, top bureaucracy, middle-level bureaucracy, clerical staff and even peons. I am saying these words with all the responsibilities because I am working with them. The first casualty is their efficiency and also integrity.

Under such circumstances, I am pained and feel that the Supreme Court should not have given such a judgement because it is very drastic. But why the Supreme Court throught in its wisdom to give such a judgement, one should also think about it, although we must defend the basic right of the working class. I know there has to be an enquiry explanations. You cannot summarily dismiss in a democratic set-up. All these things are required and should be done. I am not against that. I am not agreeing with the decision that is given. But we must examine these things. Today I was reading in the newspapers in the morning that one important leader made a reference to the Armed Forces that they are demoralised. Now, this is the way we are functioning in our country. Government employees are being demoralised by the Opposition leaders also and by the Trade unionists, who may belong to my party also, for certain kinds of economic advantages so that they may become popular. I am not condemning any section, but this policy of cheap populist approach has cut at the root of basic and healthy values in public life.

I want to ask how many of us are working sincerely for our duties and obligations? In the same way how many employees are working for all the hours which they are supposed to work? How much work the workers in the factories do? And the culprits, the section of capitalists, believe only in taking profits. They try to destroy even the industrial units which they possess because if they do not get profit, they don't want it. Let the units to go to dogs. All these tendencies are wrong. I am not saying that only a section of the employees should behave according to ethics and standards. Therefore, the Supreme Court might have thought, well there should be discipline, they should work properly, there should be correct work ethics and so on. Therefore, they might hav$_e$ come to the conclusion that something drastically is wrong with the Government services. Therefore, hire and fire system may be adopted in the case of employees.

I would request the Minister to think about this problem in Us entirety. There is a requirement of all round improvement. This improvement cannot come about by judgment of courts. lV\is is my approach, that we have to penuade the working class and the Government servants. While defending their rights we must tell them what they are doing is not

[Shri Chimanbhaj Mehta] proper all the time. How many trade union leaders have got guts to tell the workers that we are not producing suffi-ciendy although the public sector bureaucracy is wrong? That approach we are not taking. Therefore, I would urge upon the hon. Minister that there should be softie sort of a review about the Supreme Court judgment and we should see that things are set right. It should not be that only one section of our population ihould not be treated so harshly. Otherwise they' will feel that they are the only people .who are singled out for attack. Have you given this treatment to the industrialists for the things that they are doing are wrong or to the poliical leaders who are inciting the army and other people and who are all the time acting negatively? You have every right to criticise the Government failures, but what about your failures also? Otherwise with all the faults the Congress would not have remained for •o many decades in this country. The Indian people are not so ignorant that they do not know the virtues of some of the parties in the Opposition. I would say as we require improvement, as our leader Rajiv Ji has said several times, work ethics and values have to be restored and constructive approach has to be worked out in the same way.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : उपसभाध्यक्ष जी, 11 जुलाई, 1986 का जो सर्वोच्च न्यायालय का फैसला है वह सरकारी कर्मचारियों के संबंध में हैं। उसका जो सरकारी कर्मचारियों पर प्रभाव पड़ा उसी से संबंधित डा० ब पू ालद ते ा यह संविधान(संशोधन) विधे क है। उन्होंने इस संविधान संशोधन के जरिए इस बात का संशोधन प्रस्तुत किया है कि हमारे संविधान के अनुच्छेद 311 का क्लाज 2 और क्लाज 3 संविधान से हटा दिया जाए, या इसको संशोधन करके खत्म कर दिया जाए और उसके पीछे जो कारण बताए गए हैं, वे यह हैं कि प्रा तिक न्याय का तकाजा है कि कोई भी सरकारी कर्मचारी जिसको अपनी सेवा से मुक्त किया जाए तो उसको अपनी स्थिति स्पष्ट करने का अवसर दिया जाना चाहिए। हमारे संविधान की धारा 311 में पहले भी इस बात का प्रावधान था। लेकिन सब क्लाज 2 में जो यह व्यवस्था की गई है उसके अनुसार सरकार को इस बात का अधिकार दिया गया है कि किन्हीं परिस्थितियों में अगर सरकार समझे तो बगैर नोटिस दिए, बिना स्पष्टीकरण और बिना सुनवाई का मौका दिए किसी भी सरकारी कर्मचारी को अपनी सेवा से मुक्त कर सकते हैं। मैं पूरी धारा पढ़ने की आवश्यकता नहीं समझता, लेकिन जो प्रोविजो है उसको पढ़ना जरूरी है :

Article 311 provided further that this clause shall not apply.

उपर दिया हुआ है सब क्लाज 2 में कि :

"No such person shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges."

तो हमारे संविधान निर्माताओं ने इस बात की व्यवस्था की थी उप धारा 2 संविधान की धारा 311 के अंतर्गत कि किसी भी सरकारी कर्मचारी के खिलाफ अनुशासन की कार्यवाही करने से पहले उसको नोटिस दिया जाएगा, उसको आरोप- पत्र दिया जाएगा और उसका उत्तर दिया जाएगा। उसके बाद उसको स्पष्टीकरण का मौका दिया जाएगा और आवश्यकता हुई तो सुनवाई भी की जाएगी। उसके बाद ही उस संबंध में कोई अनुशासनात्मक कार्यवाही की जाएगी। यह व्यवस्था संविधान निर्माताओं ने इसलिए की थी कि प्रा तिक न्याय का एक तकाजा है कि किसी भी व्यक्ति के विरुद्ध कोई भी कार्यवाही तब तक नहीं होगी जब तक कि उसको स्पष्टीकरण का मौका नहीं दिया जाए। कोई भी व्यक्ति अगर कत्ल भी करता है, हत्या कर देता है और उसके आरोप में उसके प्रति न्यायालय में मुकदमा चलता है और जब अंतिम रूप से न्यायालय से सजा हो जाती है, तभी उसको फांसी या जो भी दंड होता है, उसको दिया जाता है। लेकिन इसमें जो आगे व्याख्या की गई है।

'(b) where the autbori;y empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, 'o be recorded by that authority in wri.ing, it is not reasonably practicable to hold such inquiry or (c) where the

President or the Governor, as the case may be, is satisfied that in the interest of the security of the State is not expedient to hold such inquiry."

तो इसका सीधा तात्पर्य यह हुआ कि जो भी अधिकारी जिसके हाथ में जांच का काम दिया गया है अगर वह इस नतीजे पर पहुंचता है कि इस सिलसिले में कोई स्पष्टीकरण का मौका देने की आवश्यकता नहीं है या आरोप-पत्र देने की आवश्यकता नहीं है तो उस सरकारी कर्मचारी को बिना नोटिस दिए हुए, बिना स्पष्टीकरण का मौका दिए हुए, उसको सेवा से मुक्त कर दिया जा सकता है। यह जो इस प्रकार का अधिकार है बहुत ही निरंकुश है, क्योंकि हमारे देश में लोकतांत्रिक व्यवस्था है। हमारा एक संविधान है और उसके अंतर्गत चाहे कोई सरकारी कर्मचारी हो या इस देश का नागरिक हो या अन्य कोई भी व्यक्ति हो, सभी लोगों के कुछ मौलिक अधिकार हैं और मौलिक अधिकारों के अंतर्गत ही जब उसका किसी सरकारी अधिकारी या सरकारी कर्मचारी के अधिकारों का हनन करते हैं, तो यह लोकतांत्रिक व्यवस्था उसके अनुरूप नहीं है। तो यह जो एक हमारा लोकतांत्रिक व्यवस्था है, उसके अनुरूप नहीं है और इसलिए मान्यवर, अनुच्छेद 352 की ओर मैं आपका ध्यान आकर्षित करना चाहूंगा क्योंकि जब आपातकाल लगाया गया था तो उसमें भी इस प्रकार का प्रावधान था कि राष्ट्रपति संतुष्ट हो जाएंगे तो आपातकाल लगाया जायेगा। आपकी अनुमति से मैं इस अनुच्छेद को पढ़ना चाहूंगा --

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatend, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration to that effect in respect °f the whole of India or of such part of the territory thereof as may be specified in the Proclamation."

तो मान्यवर, इसमें भी राष्ट्रपति महोदय की संतुष्टि के शब्दों का इस्तेमाल किया गया था, जिस प्रकार से धारा 311 के अनुच्छेद में इस्तेमाल किया गया है। आपातकाल हमारे देश में लगा और बाद में मान्यवर, जब शाह आयोग बैठाया गया तो शाह आयोग ने यह फैसला दिया कि वास्तविक रूप में ऐसे कारण नहीं थे कि आपातकाल लगाया जाता और आपातकाल का लगाना गलत था। तो मान्यवर, मैं आपका इसलिए इस ओर ध्यान आकर्षित कर रहा हूं कि किस भी सरकार में शासनतंत्र जो है, यदि उसको निरंकुश अधिकार दिया जायेगा तो इस संभावना से इंकार नहीं किया जा सकता कि जिन अधिकारियों को उन धाराओं का प्रयोग करने का अधिकार दिया जायेगा, वह इसका दुरुपयोग नहीं करेगा। इसलिए डा० बापू कालदाते का जो यह संशोधन विधेयक है, वह बहुत अच्छा और सामयिक है।

मान्यवर, सर्वोच्च न्यायालय ने भी इस संबंध में जो निर्णय दिया, उसमें भी इस बात की व्यवस्था की गयी थी, कुछ गाइडलाइन उन्होंने तय की थीं। इस संबंध में मैं मंत्री महोदय का ध्यान शासन के पत्र दिनांक 10 दिसम्बर, 1986 की ओर आकर्षित करना चाहूंगा क्योंकि पहले भी जब इस ओर शासन का ध्यान आकर्षित किया गया, सरकार का ध्यान आकर्षित किया गया तो मंत्री जी ने अपने उत्तर में कहा था कि कुछ गाइडलाइन, कुछ निदेशक सिद्धांत इस निर्णय में दिए गए और चूंकि निदेशक सिद्धांत दिए गए हैं तो सरकार उनका पालन करेगी और इस प्रकार की जो धारा है, उसका दुरुपयोग होने की संभावना बहुत कम है। मान्यवर, यह जो 10 दिसम्बर, 1986 का पत्र है, इसका जो पैरा 3 है, वह मैं पढ़ना चाहूंगा --

"That Court has only sought to clarify the correct parameters of the constitutional guarantee available to Government servants. While holding that insitution of inquiry in exceptional case* is jus'ified, the Court has laid down certain 'valuable guidelines which have to be followed when action is taken by invoking these provisions. These guide-

[श्री सत्य प्रकाश मालवीय]

lines have been brought to the notice of all the administrative authorities to allow the misgivings that the exceptional powers available under Section... might be misused."

तो मैं यह जानना चाहूंगा, मंत्री जी यह अपने उत्तर में बताएं कि सुप्रीम कोर्ट ने जो निदेशक सिद्धांत तय किए थे, जो गाइडलाइन की चर्चा की थी अपने फैसले में, उस सिलसिले में सरकार ने उनका अनुपालन करते हुए जिस ओर ध्यान आकर्षित किया है मंत्री जी के पत्र में, कि जितने भी अधीनस्थ अधिकारी हैं, उनकी ओर इन अधिकारियों का ध्यान आकर्षित कर दिया गया है, लेकिन वे गाइडलाइन क्या हैं ? उन गाइडलाइन का अनुपालन हो रहा है या नहीं हो रहा है ? या इस सिलसिले में आपको कोई जानकारी है कि उन गाइडलाइन का उल्लंघन हो रहा है ?

अन्त में दो बातें कहकर मैं अपनी बात समाप्त करूंगा । यह जो उपधारा 2 और 3 है, जिसके संबंध में डा० बापू कालदाते का यह संशोधन विधेयक है, यह जनतांत्रिक जो हमारे मूलभूत सिद्धांत हैं, उनके अनुकूल हैं । मुझे पूरी आशा है कि जिन सदस्यों ने इसके पक्ष में अपनी राय रखी है, उनकी भावनाओं का आदर करते हुए कहना चाहूंगा कि सरकारी कर्मचारियों में इससे ज्यादा उत्तेजना है, वह बहुत उत्तेजित हैं और उनके मन में एक भय का वातावरण हो गया है क्योंकि सरकार कर्मचारी यह समझ रहे हैं कि अगर कोई भी उच्चाधिकारी उनसे सहमत नहीं है या बदले की भावना से वह किसी भी सरकारी कर्मचारी का, अपने अधीनस्थ कर्मचारी का इन धाराओं का दुरुपयोग करके सेवा से बाहर कर सकता है । अब जब सरकारी कर्मचारी संतुष्ट नहीं रहेगा, उसके सिर पर इस तरह की तलवार लटकती रहेगी तो वह निश्चित रूप से अपने काम से लोगों को संतोष नहीं दे पायेगा । हमारी जो व्यवस्था है, उसके अंतर्गत जो सरकारी कर्मचारी हैं वे सरकार की नीतियों का अनुपालन करते हैं और बहुत से काम देश हित में किया करते हैं । सरकार जो आदेश देती है उनका पालन सरकारी कर्मचारी करते हैं, लेकिन अगर सरकारी कर्मचारी असंतुष्ट हों, उनके मन में भय का वातावरण व्याप्त हो तो आप जानते हैं कि वे ठीक प्रकार से कार्य नहीं कर सकते हैं । सरकार की नीतियों के पालन में उनको कठिनाई होगी ।

इसलिए मैं सरकार से अनुरोध करता हूं कि डा० बापू कालदाते का जो संशोधन विधेयक है, यह बहुत ही सामयिक है, इसका स्वीकार करना चाहिए । सरकारी कर्मचारी बराबर इस सिलसिले में आंदोलन कर रहे हैं । परसों 26 फरवरी को दिल्ली में रैली की । इसलिए इतने बड़े समूह का आदर करते हुए और इस सदन के सदस्यों की भावना को देखते हुए इस विधेयक को स्वीकार करना चाहिए और 311(2) (ब) का लोप करना चाहिए । धन्यवाद ।

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Yes, Mr. Minister.

THE DEPUTY MINISTER IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI 8IREN SINGH ENGTI): Mr. Vice-Chair-man, Sir, I am very much thankful to the honourable Members who have participated in this debate and also the movex of this Bill, Dr. Bapu Kaldate.

Sir, the Bill seeks to delete clauses (2) and (3) of article 311 of the Constitution. If you read the Statement of Objects and Reasons attached to the Bill moved by Dr. Bapu Kaldate, you will see th;it the main purpose of this amendment is to safeguard the interests ef civil servants. But here, I think, the honourable Member has misunderstood it. He clearly says that he wants deletion of clauses (2) and (3) olf article 311 of **the** Constitution. In fact, clause (2) of article 311 is very important because it provides security to the civil servants of this country. That is why I say that he has a misunderstanding and this is a little bit confusing. Some of the Members who have participated in this debate hava • referred to what is called the Supremo Court judgment. Their main point is

about the Supreme Court judgment deliver, ed in July 1985 in the case of Shri Tulsi Ram Patel. Most of the Members confined themselves to this clause and said -that it is insecure, that there is no safeguard for a Government servant and so on. But, Sir, we have seen that during the last 37 years or so this article! has been there and clauses (2) and (3) and the sub-clauses, (a), (b) and (e), of clause (2) have been there in the Constitution ever since 1950 and they are still there and it is not[1] as if it is a new article and they are the new clauses which have caused any confusion. We have not come across any such thnig and. during the last forty years or so, thousands and lakhs of employees were employed by the Government, by the competent authority. It i_s only after the Supreme Court judgment that the honourable Members have got the impression that because of this judgment on article 311(2) that the civil servant is not secure. We have seen that the proviso to clause (2) of article 311 is only to safeguard the employee because it clearly says that no civil servant can be dismissed or removed or reduced in rank except after an inquiry. So, there is a provision and that provision says that nobody can be removed or dismissed or reduced in rank except after an inquiry. And that too, charges are to be 3" P.M. framed against him and he must be given the opportunity of being heard. These are the protections given to the Government servants. So, t'here is not question df arbitrary dismissal or removal or reduction in rank. Sir, under this articles under this provision, there is nothing to fear about what is called arbitrary dismissal, as it clearly says that it is only in exceptional cases the inquiry is not necessary; this inquiry provision can be dispensed with only in certain cases. These things are mentioned there in clause (2), sub-clauses (a), (b) and (c). (a) says ■when it is found that a Government servant is convicted by a court of law on a criminal charge; (b) says inquiry is not necessary in the case when the authority is so empowered, if he is satisfied, to dismiss or remove or reduce in rank—if satisfied for some reason; that has also to be recorded in writing by that authority that it is not practicable ^ hold such inquiry. I_n (cj it is said: where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the $Stat_e$ it is not expedient to hoi,} such inquiry. Only under these circustances inquiry is not necessary; 1 mean., that part of the nquiry is dispensed with. In all other cases, inquiry is must. Serving '$_a$ no.ice is a must. All procedures are to be followered. Sir, these are so many safeguars. It is clearly stated there that the inquiry authority should record i_B writing in the file as *K* what are the reasons; it must be good rea sons, valid reasons, legal reasons. Simpl) the authority cannot get away by writing down some reasons t'nere. So, the Government servant will get the opportunity for what is called appeal if it is found that it is illegal, it ;s not according to the rules; then he can move, the appellate authority to go into the matter why in his case the. inquiry is not being held. If all departmental remedies are exhausted, then he can also go to the court; there is no bar for the court to try all the cases. Officers can go there in appeal. The Supreme Court has clearly stated in . the judgment that even if under clause (c) the decision is final, still he has the right to go into revision or appeal. There is no such power. That is why it is wrong to-say that under Article 311(2) a large number of Government officers are in danger of being dismissed or are being dismissed or harassed or reduced in rank. It is not correct. The provisions are there.

The Mover of the Bill, Dr. Bapu Kaldate, has said that he might have mis understood the point. His Bill simply says that Clauses 2 and 3 of the Article 311 of the Constitution should be deleted. That is why, I d_0 not want to elaborate more. His main purpose is to protect the rights of the civil servants. Most of the hon. Members have confined themsel ves to this Article 311 (2), Clause (b) and also Clause (c). Sir, in Clause (a), it is clear in the case of Tulsi Ram that if a civil servant is convicted of a criminal charge by a court of law, then the main provisions of Article 311(2) need n^t be observed. It is not necessary. When a civil servant is convicted by a court of law, then the competent authority has every right to take necessary ao-

[Shri Bircn Singd Engti]

tion against that officer. That is why, in Tulsi Ram- case, action was taken under Clause (a) of Article 311(2). There may be certain circumstances and other reasons which have been explained in Ojcial Memoranda dated Htd November 1985 and 4th April, 1986. Just after the Supreme Court judgement, our Ministry had issued two Memoranda to all the Ministries. We have clearly specified and given all the guidelines. Our main idea is that the competent authority should not take advantage of this article. That is why we dave clarified in our Official Memoranda 6aying that before an officer or a competent authority comes to a decision under Clause (b) of Article 311 (2), he should satisfy himself ,hat there are some reasons, good reasons, for which the holding of an inquiry « not practicable or possible. In our Memoranda, we dave given some illustrations. These are: (a) when a civil servant, himself or through somebody, tries to intimediate or threaten the ,witeness who are going to give evidence against him, (b) when the officer concerned or the Government servant concerned, by himself or through somebody, threatens $_0$r intimidates the Inquiry Officer or his family members not to hold such an inquiry and (c) when the general atmosphere is not conducive to holding such an inquiry. Under these circumstances, the competent authority should satisfy itself that it is not possible or it is not practicable to hold such 'an inquiry. Even then the Government Officers or the civil servants have the right to appeal before the appellant authority after some time saying that everything has subsided peace is prevailing and the atmosphere is conducive for the conduct *fit* an inquiry. He has this remedy. And if the remedies available to him under the Governmental process are-exhausted, then he can move the court. *So,* under these circumstances, Sir, there are lots of what is called safeguards to the Government servant. I think, we need not amend the Constitution. The provision, a_s it is, guarantees the right of the civil servant and there is no question of what is called arbitrary dismissal, there is no question of misuse of the provision. A« I said, in the last 30 years nothing has happened. And many hon. Members I are of the opinion that thousands and J * millions of Government employees are in danger and that there is no security, there is no safeguard and that at any time they may be dismissed. But, in fact, it did not happen.. It is not happening. Even if there are two or three cases, Sir, as" 1 said, the provisions are there. So, natural justice is not denied. Article 14 of the Constitution is not attracted by this provision.

So, in brief I would like to say only tits •snji^ta \that the main object of this. Bill is to protect the right of the civil servant. As I said, already it is guar-anteed-.by our Constitution under the existing law and rules. And that is why I do not feel that this would be accepted. The Mover of the Bill is not present But I would like to impress upon him that, as I said earlier, the memoranda are also issued after the judgement of the Supreme Court, and even Article 311 and all these clauses prove that there is no such rule by which the authority can misuse this- article, can abuse this power. As I said earlier, there was no such example. And it will not happen. So, in view of this, I would like to submit and request the hon. Member, Dr. Kaldate, not to press this Bill.

Thank you, Sir.

SHRI SATYA PRAKASH MAL-AVIYA: Only one clarification, sir.

THE VICE-CHAIRMAN (SHRl H. HANUMANTHAPPA): From whom? The Mover himself is not here. How can you seek the clarification?

SHRI SATYA RAKASH MAIA-VIYA : I can seek the clarification, Sir. He has not replied *to* my point.

SHRI K. MOHANAN (Kerala); This Bill is the property of the House.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Minister is not expected to reply. He has only inter-vented in the discussion. this is a Private Members' Bill. Wr. Bajm Kaldate has to clarify your points. He is absent That is all.

SHRI SATYH PRAKASH MALAVIYA: No, Sir. He was to reply to the points raised by the Members of the House.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA : Exactly, Your clarification will be to the Mover of the Bill. He is absent. It is not the Bill of the Government.

SHRI SATYA PRAKASH MALA-VIYA : You kindly hear me.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA) : It is not mov. ed by the Government or the Minister. How can you expect the Minister to reply? The Bill is moved by Bapu Kaldate.

SHRI SATYA PRAKASH MALA-VIYA : Because the Minister has dealt with the guidelines ..

THE VICE-CHAIRMAN (SHRI IL HANUMANTHAPPA) : He has to explain the stand of the Government. Your clarifications are to be directed to the Mover of the Bill. (Interruptions)

I shall now put the motion moved by **Dr.** Bapu Kaldate to vote.

The question is :

"That the Bill further' to amend the Constitution of India, bo taken into consideration."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up the Bill of Dr. Govind Das Rich-**haria.**

The Betwa River Board (Amendment) BIO, 1988

डा० गोविन्द दास रिछाकुरिया (त्तर प्रदेश) : मैं प्रस्ताव करता हू कि :

"बेतवा नदी बोर्ड अधिनियम, 1976 का और सशोधन करने वाले विधेयक पर विचार किया जाए।"

उपसभाध्यक्ष महोदय, मैं आपका आभारी हूं और आपके माध्यम से इस सदन का भी आभार प्रदर्शित करता हूं जिसने इस संशोधन विधेयक पर मुझे अपनी राय और अपने विचार प्रकट करने का अवसर दिया। मैं पिछले 50 वर्षों से अधिक बुंदेलखंड व उत्तर प्रदेश को जन समस्याओं से जुड़ा हूं। पिछले 71 में लोकसभा में आने से पहले जिला परिषद के चेयरमैन की हैसियत से 10 वर्षों से उत्तर प्रदेश के उस सूखे क्षेत्र, जिसे बुंदेलखंड कहते हैं, की जन समस्याओं को मैंने देखा है। मैंने यह भी देखा है कि वहां का सबसे बड़ी समस्या गरीबी, किसानों की गरीबी मिटाने का कोई उपाय है तो वह है, सिचाई साधन बढ़ाना। मैंने यह भी समझा कि बेतवा नदी, जो बुंदेलखंड क्षेत्र की सबसे बडी नदी है वह मध्य प्रदेश से निकलती है और उत्तर प्रदेश में जाकर यमुना से मिलती है, उसमें वर्षा काल में ऊबड़ खाबड तथा ऊंचा नीचा क्षेत्र होने के कारण बहुत पानी बहता है। इसके साथ ही साथ जब वर्षा काल बीत जाता है तो उस नदी में बहुत कम पानी रह जाता है। तत्पश्चात मैंने उत्तर प्रदेश और मध्य प्रदेश के मुख्यमंत्रियों से मिलकर प्रयास किया और उनसे निवेदन किया कि बेतवा नदी चंकि दोनों प्रदेशों में बहती हैं इसलिए दोनों प्रदेश समझौता करके, आपस में शर्तें करके आपस में इस तरह का एग्रीमेंट करें और उसमें केन्द्रीय सरकार को भी साथ में बैठा लें क्योंकि यह नदी जो बहती जाती है और इसका सारा पानी यमुना के द्वारा समुद्र में पहुंच जाता है जब कि दोनों तरफ के किसानों के खेत सूखे रह जाते हैं। तदनुसार स्वर्गीय श्रीमती इंदिरा गांधी जी के समय में एक बहुत माने हुई इंजीनियर डा० के० एल० राव जी केन्द्रीय सरकार के सिचाई मंत्री भी थे, उनके सहयोग से एक समझौता हुआ उत्तर प्रदेश तथा मध्य प्रदेश के मुख्य मंत्रियों में, उसमें यह तय हुआ कि आधा आधा पैसा दोनों प्रदेश लगाएंगें और आधा आधा पानी तथा जो बिजली बनेगी उसको बांट लेंगे। इस हिसाब से समझौते के बाद उस बेतवा नदी बोर्ड पर राजघाट का बांध चालू हुआ। उस समय की हमारी केन्द्रीय मंत्री स्वर्गीय इंदिरा गांधी जी ने उसका शिलान्यास किया : जिस समय राजघाट योजना का शिलान्यास किया गया उस समय